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CHIQUITA FRESH NORTH AMERICA, L.L.C.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHIQUITA FRESH NORTH AMERICA,
 LLC,

Plaintiff,

vs.

GREENE TRANSPORT COMPANY; JOHN
 GREENE LOGISTICS COMPANY; and
 DOES 1 through 10, inclusive,

Defendants.

Case No. CV 11-6683 DMR

STIPULATION AND ~~PROPOSED~~ ORDER
 TO EXTEND CERTAIN DISCOVERY
 DEADLINES AND RE: JOINT
 STATEMENT OF FACTS WITH RESPECT
 TO PLAINTIFF'S MOTION FOR PARTIAL
 SUMMARY JUDGMENT

RECITALS

1. The above-captioned action arises in part from events that are also the subject of
Holtzapple, et al. v. Ajax Logistics, et al. ("Holtzapple"), In the Circuit Court of the Ninth Judicial
 Circuit, In and For Osceola County, Florida, Case No. 10-CA-7095 AN (22). The parties to this action

1 are also parties to the *Holtzapple* action. In order to avoid duplicative discovery proceedings while
2 promoting efficiency and economy, the parties wish to coordinate the depositions of party-affiliated
3 personnel in the two actions. Due to the progress of the *Holtzapple* action, the parties anticipate that the
4 depositions will take place in April and May 2013.

5 2. Plaintiff Chiquita Fresh North America, LLC (“Chiquita”) has filed a motion for partial
6 summary judgment against defendant Greene Transport Company (“GTC”) on the issues of GTC’s
7 alleged breach of contractual provisions regarding (1) the defense of Chiquita in *Holtzapple*; (2) the
8 acquisition of insurance for Chiquita; and (3) the use of subcontractors to carry Chiquita’s load. (Doc.
9 No. 53.) The hearing of Chiquita’s motion is scheduled for May 9, 2013; GTC’s opposition is due on
10 April 8, 2013, and Chiquita’s reply on April 15, 2013. GTC believes that the deposition of Chiquita’s
11 present Transportation Manager, currently scheduled for April 19, 2013, may reveal agreement or
12 dispute regarding facts that GTC contends are relevant to Chiquita’s motion, primarily to issue (3),
13 above.

14 3. Paragraph 14 of the Standing Order of the Hon. Donna M. Ryu provides that motions for
15 summary judgment or adjudication are to be accompanied by a joint statement of material facts not in
16 dispute. It does not contain an explicit provision for supplemental joint statements. Chiquita and GTC
17 have met and conferred in good faith in order to create a joint statement of facts not in dispute, which
18 Chiquita filed along with its motion for partial summary judgment. Chiquita does not object to GTC’s
19 submission of a Supplemental Joint Statement of Undisputed Material Facts which is filed with GTC’s
20 opposition to Chiquita’s Motion for Partial Summary Adjudication. GTC does not object to Chiquita’s
21 submission of a Supplemental Joint Statement of Undisputed Material Facts which is filed with
22 Chiquita’s reply in further support of its Motion for Partial Summary Adjudication.

23 Accordingly, the parties HEREBY STIPULATE as follows:

24 **STIPULATION**

25 1. That the deadline for completing non-expert discovery be continued from May 1, 2013,
26 to June 15, 2013;

27 2. That the deadline for disclosing expert witnesses and reports be continued from May 1,
28 2013, to June 15, 2013;

3. That the deadline for disclosing rebuttal expert witnesses and reports be continued from May 15, 2013, to June 30, 2013;

4. That the deadline for completing expert discovery be continued from May 29, 2013, to July 14, 2013;

5. That the parties may, as necessary, submit one supplemental joint statement of material facts not in dispute to accompany GTC's response to Chiquita's motion for summary adjudication, and one such statement to accompany Chiquita's reply, under the standards set forth in Paragraph 14 of the Standing Order.

SO STIPULATED.

Dated: April 2, 2013.

LOW, BALL & LYNCH

By s/ Dirk D. Larsen
MARK F. HAZELWOOD
DIRK D. LARSEN
Attorneys for Defendant
GREENE TRANSPORT COMPANY

Dated: April 2, 2013.

PHILLIPS, SPALLAS & ANGSTADT LLP

By s/ Elisa R. Marcaletti
TODD A. ANGSTADT
ELISA R. MARCALETTI
Attorneys for Defendant
JOHN GREENE LOGISTICS COMPANY

Dated: April 2, 2013.

BURNHAM BROWN

By s/ Robert M. Bodzin
ROBERT M. BODZIN
RAYMOND A. GREENE, III
ALISON F. GREENE
Attorneys for Plaintiff
CHIKUITA FRESH NORTH AMERICA, L.L.C.

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties herein, and good cause appearing therefor, it is
HEREBY ORDERED:

1. That the deadline for completing non-expert discovery is continued from May 1, 2013, to June 15, 2013;
2. That the deadline for disclosing expert witnesses and reports is continued from May 1, 2013, to June 15, 2013;
3. That the deadline for disclosing rebuttal expert witnesses and reports is continued from May 15, 2013, to June 30, 2013;
4. That the deadline for completing expert discovery is continued from May 29, 2013, to July 14, 2013;
5. That the parties may, as necessary, submit one supplemental joint statement of material facts not in dispute to accompany GTC's response to Chiquita's motion for summary adjudication, and one such statement to accompany Chiquita's reply, under the standards set forth in Paragraph 14 of the Standing Order.

IT IS SO ORDERED.

Dated: April _6_, 2013.



HON. DONNA M. RYU
U.S. MAGISTRATE JUDGE